

REMARKS

The present application is a continuation of U.S. Patent App. Serial No. 09/777,150. Claims 1–40 in the present application correspond to cancelled claims 1–24, 52–65 and 84–85 in the parent application.

In the final office action mailed October 9, 2003 in the parent application, claims 25–51 and 66–83 were allowed, claims 2–6, 15, 17, 20–24, 53–56 and 59–65 were allowable if rewritten in independent form, and claims 1, 7–14, 16, 18, 52, 57, 58 and 84–85 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,219,423 to *Davis*. In response, claims 1–24, 52–65 and 84–85 were cancelled, and are now being pursued as claims 1–40 in this continuation application. Please consider the present claims in light of the following remarks about the rejection of claims 1, 7–14, 16, 18, 52, 57, 58 and 84–85 over *Davis* in the parent case.

In the parent case, independent claims 1, 52 and 84 recite the element of producing a “probabilistically unique identifier for a digital sequence.” The “uniqueness” of the identifier in the present invention refers to the fact that there is almost no chance that two different digital sequences will be associated with the same identifier. However, the identifier is not unique in the sense of only being generated once. It may be generated more than once if an identical digital sequence appears more than once in a long sequence of data.

In contrast, the digital signatures described in *Davis* correspond to probabilistically unique identifiers that are generated only once for each signatory, and may be attached to two or more, non-identical digital sequences. In *Davis*, a digital signature is meant to act as an identifier for a single (*i.e.*, unique) signatory. However, the signature may be associated with many different digital sequences (*e.g.*, different versions of an agreement) being sent by the same signatory.

The “uniqueness” of the identifier in *Davis* means that the identifier corresponds to a single (*i.e.*, unique) signatory, not to a unique digital sequence of data being sent by the signatory. Thus, if anything, *Davis* teaches away from a “probabilistically unique identifier for a digital sequence”

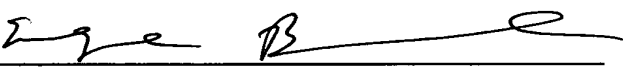
where there is almost no chance that two different digital sequences will be associated with the same identifier. Accordingly claims 1, 25 and 39 in the present case (corresponding to claims 1, 52 and 84 in the parent application) are allowable over *Davis*. Likewise, claims 2–24, 26–38 and 40 (which depend from claims 1, 25 and 39, respectively) are allowable for at least the same reasons.

In view of all of the above, claims 1–40 are believed to be allowable and the case in condition for allowance, which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact the attorney at the telephone number listed below.

A check for \$608.00 representing the continuation application filing fee, fee for 1 independent claim over 3 and the 20 additional claims is enclosed. No other fees are believed to be required, and should any be required, please charge Deposit Account 50-1123. Should any extension of time be required, please consider this a petition therefore and charge the required fee to Deposit Account 50-1123.

Respectfully submitted,

January 14, 2004


Eugene J. Bernard, Reg. No. 42,320
HOGAN & HARTSON LLP
1200 17th Street, Suite 1500
Denver, Colorado 80202
Telephone: (303) 454-2457
Facsimile: (303) 899-7333